

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20970 OF 2005

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Date: 24.10.2005

Between:

S.Narasimhulu

.... Petitioner

and

The Depot Manager, APSRTC, Rayadurg Depot.

... Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20970 OF 2005

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ORDER:

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The petitioner is working as a driver in the Rayadurg Depot of A.P.S.R.T.C. He was placed under suspension by the respondent through order, dated 12.09.2005. The basis for suspending the petitioner was that he assaulted another driver, by name, K.Sreenivasulu at the main gate of the Depot and that the same was reported by the Security Head Guard. A charge-sheet was also issued on the same day.

The petitioner contends that it was Mr.K.Sreenivasulu, who was in a drunken

condition and created an ugly scene in the Depot and instead of taking action against the said driver, the petitioner was placed under suspension, because he happens to be union leader and the entire action is contrary to the record.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

The question as to whether the allegation against the petitioner about the alleged assault of Mr.K.Sreenivasulu is true or not, has to be decided in the enquiry that is already initiated. It is true that suspension pending enquiry is a temporary measure and the Courts cannot interfere with the same, except where the action is not supported by the material available on record.

The writ petition came up for admission on 27.09.2005. In view of the specific allegation of the petitioner that the driver, by name, K.Sreenivasulu was in intoxicated condition at the relevant point of time and that he was referred to the Government Hospital, this Court directed the learned standing counsel to produce the record. Today, the learned standing counsel placed the same before this Court.

The alleged incident has taken place on 28.08.2005. On the same day, the Depot Manager addressed a letter to the Duty Medical Officer, Government Hospital, Rayadurg. It reads as under:

I submit that today i.e. on 28.08.2005 at about 6.00 p.m. the marginally noted person (K. Sreenivasulu) who is a driver, A.P.S.R.T.C. Bus Depot, Rayadurg is highly intoxicated and picked up a quarrel with the employees union members at the main entrance of R.T.C. Bus Depot, Rayadurg. During the struggle, he fell down and received a bleeding injury on his head.

Please examine him and issue wound certificate as well as Drunkenness certificate for taking necessary action. He is sent through P.C.1721.

The certification by the Medical Officer is to the effect that the person referred to him has consumed alcohol and that he was under its influence. He has also noted the injuries on the body.

When the record clearly discloses that it is Mr.K.Sreenivasulu, who was in a drunken condition, picked up a quarrel with the union members, and was in fact referred to

the Government Hospital. The question of suspending the petitioner for the said incident, does not arise. There was not even an iota of allegation against the petitioner in the whole episode. Therefore, the suspension of the petitioner from the service was absolutely without any basis. In a way, it can be said that the respondent has misdirected the entire proceedings, inasmuch as he has proceeded against a probable victim by leaving the alleged culprit, aside.

For the foregoing reasons, the writ petition is allowed and the suspension ordered against the petitioner is set aside. The respondent is directed to conclude the proceedings against the petitioner, within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

24.10.2005

kdl